

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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DARIN D. DAVIDSON,

Case No. 11-CV-3733 (NEB/DJF)

Plaintiff,

ORDER ACCEPTING REPORT AND  
RECOMMENDATION

v.

GOVERNOR MARK DAYTON,  
ATTORNEY GENERAL LORI  
SWANSON, CAL LUDEMAN,  
LUCINDA JESSON, DENNIS BENSON,  
DANIEL STORKAMP, GREGORY  
CARLSON, KEVIN MOSER, JANINE  
HEBERT, TOM LUNDQUIST,  
ELIZABETH BARBO, JOHN DOE OR  
JANE DOE, DEBBIE THAO, DR. ANN  
MARIE LAVALLEY-WOOD,  
TERRANCE KNEISEL, TIMOTHY  
GORR, DAVID BORNUS, ERIK SKON,  
JAMIE JUNGERS, SUE JOHNSON,  
YVETTE ANDERSON, ANN  
ZIMMERMAN, AMANDA FUREY,  
ANDREA KOSLOSKI, KELLI MINOR,  
SUE LINDA ANDERSON, and JAMES  
MARTINEZ, *each sued in their individual  
capacity and in their official capacity as  
employees of the Department of Human  
Services,*

Defendants.

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The Court has received the January 3, 2023, Report and Recommendation of United States Magistrate Judge Dulce J. Foster. (ECF No. 19.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 19) is ACCEPTED;
2. The following claims are DISMISSED WITHOUT PREJUDICE:
  - a. Ground One;
  - b. The unlawful-search claims raised in Ground Three;
  - c. Ground Four;
  - d. Ground Five;
  - e. Ground Six;
  - f. Ground Seven;
  - g. Ground Eight;
  - h. Ground Ten;
  - i. Ground Twelve;
  - j. Ground Thirteen;
  - k. Ground Fourteen;
  - l. Ground Fifteen;

- m. Ground Sixteen;
  - n. Ground Eighteen;
  - o. Ground Nineteen;
  - p. Ground Twenty; and
  - q. Ground Twenty-One.
3. Defendant John or Jane Doe is DISMISSED WITHOUT PREJUDICE from this litigation.
4. Each of the remaining Defendants are DISMISSED WITHOUT PREJUDICE in their personal capacities.

Dated: February 7, 2023

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge